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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/836,750 | 04/17/2001 | James P. Elia | 1000-10-C01 | 7239 |

7590 06/01/2004

Gerald K. White
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Chicago, IL 60606

EXAMINER

KEMMERER, ELIZABETH

| ART UNIT | PAPER NUMBER |
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1646

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| EXAMINER |
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| ART UNIT | PAPER |
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DATE MAILED:

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Commissioner for Patents

Please see comments, attached

Elizabeth C. Kemmerer, Ph.D.
Primary Examiner, TC1600

DETAILED ACTION

The reply filed on 17 February 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The claims under examination have all been amended such that they no longer read on the elected invention. Applicant elected Invention 79 (claims 204, 205, and 236-253), directed to methods of growing a new portion of a pre-existing organ comprising administering growth factor to produce muscle, in the response received 01 July 2003. The restriction was acknowledged in the second restriction requirement, mailed 21 August 2003. The current claims correspond most closely to non-elected Group 83 as set forth in the restriction requirement of 02 April 2003. Since there are no longer any claims pending in the application which are directed to the elected invention, the response received 17 February 2004 is held to be non-responsive.

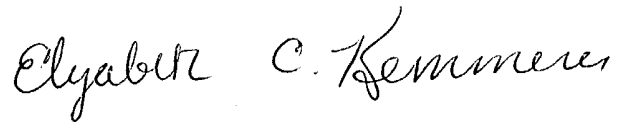
See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth C. Kemmerer, Ph.D. whose telephone number is (571) 272-0874. The examiner can normally be reached on Monday through Thursday, 7:00 a.m. to 5:30 p.m.

Art Unit: 1646

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, Ph.D. can be reached on (571) 272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ECK

ELIZABETH KEMMERER
PRIMARY EXAMINER